

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

THOMAS JOHN MILLER, SR.,
VICKIE MILLER, Guardian, Next Friend and
Parent of THOMAS JOHN MILLER, JR., a minor,
and THOMAS JOHN MILLER, in his own right,
VICKIE MILLER, Guardian, Next Friend and
Parent of QUITEN MILLER, a minor and
QUITEN MILLER, in his own right,

Plaintiffs,

v.

Civil Action No. 5:05CV119
(STAMP)

TIG INSURANCE COMPANY and
K&K INSURANCE GROUP, INC.,

Defendants.

ORDER SCHEDULING STATUS AND SCHEDULING CONFERENCE

On September 6, 2005, this Court granted the parties' stipulation to stay the proceedings in the above-styled civil action pending the final resolution of the underlying action. The underlying action involves the case of Miller, et al. v. Wheeling Downs Racing Association, Inc., et al., Civil Action No. 03-C-423, which is currently pending in the Circuit Court of Ohio County, West Virginia. On January 11, 2007, this Court entered an order directing the parties to file a status report regarding the progress of the underlying action on or before July 11, 2007. To date, the parties have not filed a status report. This Court finds that it would be beneficial to schedule a status and scheduling conference in the above-styled civil action. Accordingly, the parties shall appear for a status and scheduling conference on **August 28, 2007 at 11:00 a.m.** in the chambers of Judge Frederick P.

Stamp, Jr., Federal Building, Twelfth and Chapline Streets, Wheeling, West Virginia 26003.

The Court will permit those out-of-town attorneys having their offices further than forty miles from the point of holding court to participate in the conference by telephone. However, any such attorney shall advise the Court at least three working days prior to the conference of his or her intention to participate by telephone and shall (1) inform all counsel and any pro se parties of his or her appearance by telephone; (2) confer with other out-of-town attorneys and any pro se parties to determine if they wish to appear by telephone; (3) advise the Court of the name of the attorney who will initiate the conference call and all such attorneys appearing by telephone; and (4) initiate a timely conference telephone call with such attorneys to the Court at 304/233-1120 at the time of the scheduled conference. If the attorneys cannot reach agreement as to the initiator of the call, the Court will make that determination.

IT IS SO ORDERED.

The Clerk is directed to transmit a copy of this order to counsel of record herein.

DATED: August 17, 2007

/s/ Frederick P. Stamp, Jr.
FREDERICK P. STAMP, JR.
UNITED STATES DISTRICT JUDGE